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Legal Framework

- Spanish Constitution: Art 18
- Organic Law 15/1999 on the Protection of personal Data
- Royal Decree 1720/2007 which approves the Regulation implementing Organic Law 15/1999.
- Instruction 1/2006, of 8 November, on processing personal data for surveillance purposes through camera or video-camera systems.
- Instruction 02/1996 of the creation of files to control the buildings access
- Law 23/1992, of 30 July, on Private Security, and in the Private Security Regulation
- Law 4/1997, of 4 August, on the National Security Forces' use of video systems in public places
- Royal Decree 596/1999, of 16 April, in Organic Law 1/1992, of 21 February, on the Protection of Public Safety,
- Royal Decree 1/1995: Statute of Workers.

Scope of application

- Images of identified or identifiable individuals.
 - For surveillance and security reasons through cameras & video cameras.
 - The processing includes:
 - recording, acquisition, transfer, maintenance and storage of images, including their live viewing or broadcasting as well as the processing of personal data related thereto
 - Some processings has their own regulation
- Exclusion:**
- Personal & household activity
 - Processing of images by mass media

- The **consent** of the data subjects shall be required for the processing
- A **regulation with status of Law** exempts the consent
- The consent shall not be required when concurs the circumstances of the article 6.2
- Communication of data will require consent or the exceptions of article 11.2

- A)** Law 4/1997, of 4 August, on the National Security Forces' use of video systems in public places
Applicable to images took in the public places by the National Security Forces
- B)** Law 23/1992, of 30 July, on Private Security, and in the Private Security Regulation
 - Installation and maintenance of equipment and security devices, cameras and camcorders will be performed by licensed security company.
 - Security, conducted by a private security company.
- C)** Law of public safety. Section 13 L.O. 1 / 1992.
 - Obligation to take necessary safety measures in industrial plants or establishments, business and services to prevent commission of criminal acts that were committed against them, when they generate direct risks to third parties or are particularly vulnerable.

Principles governing the processing

Images

- Adequate, relevant and not excessive
- The installation of cameras and videos is only admissible when the end objective cannot be achieved by another means which, if not requiring a disproportionate effort, would be **less intrusive** on the privacy of the individuals and their right to personal data protection.
- INFORMATION TO THE DATA SUBJECTS
- Cameras in private places shall be installed in such a way that they do not capture images of the exterior. Only if it is necessary for the purposes of the surveillance or it is impossible to avoid.
- In any event, data processing that is not necessary for the intended purpose shall be avoided.
- The images will be retained for the minimum time for the satisfaction of the purpose



- **Right of access**

Forwarded to the controller, the application will include the identity together with an updated image.

-The right of access is being granted by certification.

- If the data subject's right is denied in whole or in part, he may claim to the Director of the Spanish Agency for Data Protection.

The data will be canceled at the latest 1 month after their capture.

Consequences of cancellation: The data will be blocked in compliance with the provisions for termination in the LOPD

- **Right of objection and rectification.**

Registration of files

1 .- The person or entity that provides the creation of video files shall notify the AEPD for registration.

PRIVATE FILES INSCRIBED: 15,214

2 .- If files are publicly owned, must comply with the provisions of art. LOPD 20 (general provisions).

PUBLIC FILES INSCRIBED: 296

It is not considered a file the processing of data that consists only in the images in real time

Obligations by LOPD and the Instruction 1/2006

- 1.- Registration of the file
- 2.- Determination of the Data controller and data processor
- 3.- Installation of the Informative placard
- 4-Informative document

Informative placard

ZONA VIDEOVIGILADA



LEY ORGANICA 15/1999, DE PROTECCIÓN DE DATOS

PUEDE EJERCITAR SUS DERECHOS ANTE:

- Service that can only be provided by specifically authorized companies.
 - The absence of a contract will result the lack of legitimacy of the installation.
 - Special care in advising the controller for hiring their services fulfilling the LOPD and Instruction 1/ 2006:
Installation or maintenance.
 - Registration of the file.
 - Location of reports
 - Definition of space surveillance and targeting of camcorders.
 - Security measures.

Financial entities; banks, and credit entities

Organic Law 1/1992 of Public Safety (LSP) and Royal Decree 2364/1994 which approves the Regulation of Private Security

- Responsibility: financial institution.
- Characteristics:

Access:

- Judicial authorities.
- Security Forces.
- Inspection of the AEPD.
- Personnel authorized by the Law of Private Security.

Purpose:

To be used only as a means of identification of perpetrators of crimes against persons and property.

-Unable to access rights of those affected, will forward to the Spanish DPA

Cancellation policy: 15 days after recording, unless they had had it the judiciary or the security forces responsible. In non-specifically covered by the PSR and applied LOPD Instruction 1 / 2006.

Cameras connected to Internet

- Require the participation of a security company authorized by the Ministry of Home Affairs
- Must prevent the additional risks resulting from an improper configuration of the program and / or communications environment.
- The system will have the level of security appropriate under RDLOPD in particular:
 - identification and authentication procedures for system users not allowing unauthorized third party access.
 - Guaranteeing secure access via public communications networks.
 - Will have into account the nature of the installation to define the obligations of staff.

Schools and minors

- The use of these systems should be proportionate to the aim pursued, that in all cases must be legitimate. Requirements:
 - Whether is a measure capable of achieving the goal.
 - There is no other less intrusive measure to achieve this purpose with equal effectiveness.
 - That the measure will be balanced, as the result of more benefits or advantages for the general interest in other property damage or conflicting values.The installation of video only will be legitimate when results from an absolute necessity, when the measure is the most appropriate and where there is an alternative measure less damaging to the rights of the minor.
 - Elements to consider:
 - The area under video surveillance covering will be the minimum essential public spaces such as entrances or aisles.In no case may settle in these areas protected by the right to privacy as bathrooms, locker rooms or gyms.
 - Except in exceptional circumstances by the presence of an objective and predictable risk to the safety of minors, there won't be video:
 - In order to control attendance.
 - In play space, classrooms and other areas in which the personality of children is developing

Sports spectacles

- General scheme: Royal Decree 769/1993 of May 21, which approves the Regulations for the Prevention of Violence at sporting events.
 - Facilities: CCTV cameras and mobile.
 - Purpose: control of the exterior and interior of the enclosure, covering the areas of access and the steps and providing a total view of it.
 - Controller: the operator installing the system
- Qualified personnel: Head of Security Service.
 - Must comply with all the provisions of Instruction 1/2006.

Business control

- Limited to purposes provided in the ET and / or existing legislation.
 - Rigorous respect of the principle of proportionality:
 - Will adopt this measure if there is no other more suitable.
 - Will be limited to uses necessary for the purpose of labor control.
 - not be used for other purposes except for legitimate and appropriate measures for enforcement that is applied.
 - It is in areas such as locker rooms, bathrooms, lockers and rest areas.
 - It will guarantee the right to information in the collection of images: custom union by cartel.
 - There shall be a case to the creation and / or recording of the corresponding file.
 - The cancellation will maintain the images in a maximum of 30 days and only those registered may be retained for a violation or breach of work duties.
 - Guarantees the rights of access and cancellation.
 - formalize contracts as appropriate data access for third parties.
 - take appropriate security measures

Video at the entrance of houses

- Exclusion: images in the personal and domestic, which means one conducted by an individual in the context of a purely private or family.
 - Excludes video whose role is limited to verifying the identity of the person ringing and to facilitate access to housing.
 - not be excluded if it is:
 - Procedures to reproduce and / or record images constantly.
 - They are accessible via the Internet or through television broadcasts of the neighbors.
- When the object of the same scope to the entire yard and / or adjacent public roads.

- **Scientific research**
 - Scientific research, study habits of use or consumption, personnel selection processes ...
 - LOPD is fully implemented. In particular:
 - Purpose.
 - The principle of proportionality.
- **Tourism promotion and related purposes**
 - Exclusion: only when the capture and broadcast of the images does not affect persons identified or identifiable
- **Taxis**
 - The installation must be done by a private security company
 - Applicable Instruction 1/2006